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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 LINDSAY JENKINS-DOWNS,

8 Plaintiff,

9 v.

10 LHC GROUP, INC, d/b/a/
11 ASSURED HOME HEALTH AND
12 HOSPICE - CENTRAL BASIN,

13 Defendant.

No. CV-12-375-RHW

**ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS**

14 Before the Court is Defendant's Motion to Dismiss, ECF No. 12. The
15 motion was heard without oral argument. Plaintiff did not file an opposition to the
16 motion.

17 Defendant moves to dismiss Plaintiff's claim for violation of the
18 Washington Law Against Discrimination. Defendant argues that Washington State
19 law does not recognize a cause of action for discrimination based on a person's
20 association with a disabled person, citing *Sedlacek v. Hillis*, 145 Wash.2d 379
21 (2001). In that case, the plaintiff, a nondisabled person claimed she was
22 wrongfully discharged from her position as a member of a husband-wife apartment
23 management team because of her association with her disabled husband. *Id.* at
24 381-82. In ruling on whether discharging her constituted wrongful termination in
25 violation of public policy, the Washington Supreme Court noted that the
26 Washington Law Against Discrimination does not provide any protection for those
27 associated with or related to a disabled person. *Id.* at 390-91.

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ORDER GRANTING DEFENDANT'S MOTION TO DISMISS ~ 1

1 Wash. Rev. Code § 49.60.180(2) provides:

2 It is an unfair practice for any employer:

3 (2) To discharge or bar any person from employment because
4 of age, sex, marital status, sexual orientation, race, creed, color,
5 national origin, honorably discharged veteran or military status, or the
presence of any sensory, mental, or physical disability or the use of a
trained dog guide or service animal by a person with a disability.

6 The statute is silent regarding prohibitions against discriminating against
7 persons associated with or related to a disabled person. As such, Plaintiff's claim
8 under the Washington Law Against Discrimination for taking leave to care for her
9 son fails as a matter of law. For these reasons and because Plaintiff failed to
10 oppose the motion, the Court grants Defendant's Motion to Dismiss.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. Defendant's Motion to Dismiss, ECF No. 12, is **GRANTED**.

13 2. Plaintiff's claim under the Washington Law Against Discrimination is
14 **dismissed**.

15 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
16 enter this Order, and furnish copies to counsel.

17 **DATED** this 5th day of February, 2013.

19 s/Robert H. Whaley

20 ROBERT H. WHALEY
United States District Judge

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